

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation on the Commission's Own Motion into the Operations and Practices of The Pacific Gas and Electric Company in Connection with Public Utilities Code Section 451, General Order 95, and Other Applicable Standards Governing Tree-Line Clearances.

Investigation 98-09-007  
(Filed September 3, 1998)

**ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING  
PREHEARING BRIEFS ON PETITION FOR MODIFICATION**

On January 6, 2003, Pacific Gas and Electric Company (PG&E) filed a Petition for Modification of Decision (D.) 99-07-029. The other settling parties in the proceeding (PG&E, Consumer Protection and Safety Division (CPSD), William Adams, and James Weil) filed timely responses, and PG&E filed a timely reply to those responses. On February 28, 2003, I held a telephone conference with all four settling parties to discuss the proceeding status and next steps.

The parties indicated they are in agreement, or expect to reach agreement, on two issues: whether to include Adams' customer refusals topic in the audit required by D.99-07-029; and the need to move ahead with the Request for Proposal and the audit on a three- to five-year schedule regardless of the outcome of other issues. They have reached impasse on the third issue: requiring PG&E to compensate ratepayers for the delay in the audit.

PG&E maintains that it was not responsible for the delay in initiating the audit ordered in D.99-07-029, and it made various supporting factual claims in its February 18, 2003 reply to the parties' responses to the petition. CPSD agrees with PG&E; the other parties have not taken a position on the question.

With the parties' concurrence, I have determined that the next steps will be: (a) by March 7, 2003, PG&E is to file and serve, and certify as required by Rule 69(b), documentation to support its claim that it was not responsible for the delay in initiating the audit ordered in D.99-07-029; and (b) by March 18, 2003, all parties are to file and serve prehearing briefs stating and supporting their positions. Any objections the parties may have to admitting PG&E's March 7, 2003 documentation into evidence, and/or any request to hold an evidentiary hearing, must be stated in the March 18 prehearing briefs.

After these filings are made, I will consider what steps should be taken next to move the proceeding forward.

**IT IS RULED** that:

1. On or before March 7, 2003, Pacific Gas and Electric Company (PG&E) shall file and serve, and shall certify as required by Rule 69(b), documentation to support its claim that it was not responsible for the delay in initiating the audit ordered in Decision 99-07-029.

2. On or before March 18, 2003, parties PG&E, Consumer Protection and Safety Division, William Adams, and James Weil shall file and serve prehearing briefs stating and supporting their positions. Any objections the parties may have to admitting PG&E's March 7, 2003 documentation into evidence, and/or any request to hold an evidentiary hearing, must be stated in their March 18 prehearing briefs.

Dated March 5, 2003, at San Francisco, California.

/s/ JAMES C. McVICAR

James C. McVicar  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Prehearing Briefs on Petition for Modification on all parties of record in this proceeding or their attorneys of record.

Dated March 5, 2003, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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